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April 17, 2019

VIA ECF

The Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**Re: *United States v. Mark Nordlicht, et al.*
Criminal Docket No. 16-640 (BMC)**

Dear Judge Cogan:

I write on behalf of third-parties Mark P. Goodman and Michael B. Mukasey, a Partner and Counsel, respectively, at Debevoise & Plimpton LLP (“Debevoise”), to seek an order quashing subpoenas to testify and produce documents (the “Subpoenas”) served by the defendant Mark Nordlicht (the “Defendant”), pursuant to Federal Rule of Criminal Procedure 17(c).

The Subpoenas, copies of which are attached, demand that Messrs. Goodman and Mukasey appear to testify at trial on May 3, 2019 and “bring any and all documents in [their] possession pertaining to this case.” The Subpoenas should be quashed because they seek irrelevant and inadmissible evidence and have been served in bad faith. Additionally, as set forth below, they disregard the Court’s orders, and constitute yet another installment of the Defendant’s troubling obsession with Winston Paes – a former prosecutor involved in the investigation and prosecution of the Defendant and others, and current Counsel at Debevoise.

The Defendant and his counsel previously served a subpoena for broad range of documents on Debevoise Partner Nicole Levin Mesard for documents related to Mr. Paes’s employment, justified, in part, on false representations to the Court that Ms. Levin “*will testify* that Mr. Paes touted his prosecution of Platinum in securing a position that massively increased his salary.” *See* Dkt. No. 569, at 5, 6 (emphasis added). The Court granted Ms. Levin’s motion to quash the subpoena, stating, “as the Court had already ruled, this evidence is not admissible at trial.” Dkt. No. 593, at 3, 4.

Despite this ruling, prior rulings by this Court and Chief Judge Dora Irizarry that there were no Rule 6(e) violations, a denial by the Second Circuit of his petition for a writ of mandamus, and several other rulings by this Court making it clear that the Court will not permit any such evidence at the ongoing trial (*see* Government’s letter dated April 15, 2019, setting forth the Court’s various orders on this topic, Dkt No. 637), the Defendant and his counsel

persist with baseless accusations of prosecutorial misconduct and relentless efforts to malign and harass Mr. Paes. The Subpoenas seek testimony and other evidence on issues that are irrelevant to the Defendant's guilt or innocence and have been deemed inadmissible by the Court on numerous occasions. The bad faith in which they have been served is placed in stark relief by the Subpoena to Mr. Mukasey, who, like Ms. Levin, had no contact with Mr. Paes during the recruitment phase.

The Defendant and his counsel have disregarded the Court's prior orders. The Subpoenas fail to satisfy the standard set forth in *United States v. Nixon*, 418 U.S. 683, 699-700 (1974), and should be quashed.¹ Additionally, I respectfully request that the Court order that the Defendant and his agents may not serve additional subpoenas on Debevoise or its attorneys or staff absent prior approval of the Court.

Respectfully submitted,

/s/ John Gleeson
John Gleeson

Enclosures

Cc: Counsel for the Government (By ECF)
Counsel for Defendant Nordlicht (By ECF)

¹ Given our prior submission citing the *Nixon* factors, the Court's familiarity on this topic, and its prior rulings, we have not repeated the *Nixon* factors in this submission.

CERTIFICATE OF SERVICE

I, John Gleeson, attorney for third-parties Mark P. Goodman and Michael B. Mukasey, hereby certify that, on April 17, 2019, I caused to be served via the CM/ECF electronic filing system a copy of the foregoing letter to counsel for the Government and Defendant Mark Nordlicht:

Counsel for the Government

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Dated: April 17, 2019

/s/ John Gleeson
John Gleeson

AO 89 (Rev. 08/09) Subpoena to Testify at a Hearing or Trial in a Criminal Case

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

United States of America)

v.)

Mark Nordlicht et al.)

Case No. 1:16-cr-00640-BMC

*Defendant***SUBPOENA TO TESTIFY AT A HEARING OR TRIAL IN A CRIMINAL CASE**

To: MARK P. GOODMAN
919 3RD AVENUE
NEW YORK, NY 10022

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place shown below to testify in this criminal case. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place of Appearance: United States District Court Eastern District of New York 225 Cadman Plaza East Brooklyn, NY 11201	Courtroom No.: 8D South
Date and Time: 05/03/2019 8:30 am	

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

Please bring any and all documents in your possession pertaining to this case. Furthermore, please contact The Baez Law Firm at 305-999-5100 or email us at office@baezlawfirm.com to provide us with your contact information. We will then provide you with sufficient notice of the exact date and time of your testimony. Without exception, if you fail to contact us, you will be expected to be present at the aforementioned location, date and time.

(SEAL)

Date: 4/11/2019



Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing (name of party) Mark Nordlicht
_____, who requests this subpoena, are:

The Baez Law Firm
c/o Jose Baez, Esq.
40 SW 13th Street
Suite 901
Miami, Florida 33130
Ph: 305-999-5100
Fx: 305-999-5111
office@baezlawfirm.com

AO 89 (Rev. 08/09) Subpoena to Testify at a Hearing or Trial in a Criminal Case

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

United States of America)

v.)

Mark Nordlicht et al.)

Case No. 1:16-cr-00640-BMC

*Defendant***SUBPOENA TO TESTIFY AT A HEARING OR TRIAL IN A CRIMINAL CASE**

To: MICHAEL B. MUKASEY
 919 3RD AVENUE
 NEW YORK, NY 10022

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place shown below to testify in this criminal case. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place of Appearance: United States District Court Eastern District of New York 225 Cadman Plaza East Brooklyn, NY 11201	Courtroom No.: 8D South Date and Time: 05/03/2019 8:30 am
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You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

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(SEAL)

Date: 4/11/2019

CLERK OF COURT



Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing (*name of party*) _____, who requests this subpoena, are:

Mark Nordlicht

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 c/o Jose Baez, Esq.
 40 SW 13th Street
 Suite 901
 Miami, Florida 33130
 Ph: 305-999-5100
 Fx: 305-999-5111
 office@baezlawfirm.com